

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

762T0644

### SENATE BILL NO. 157

Introduced by: Senators Olson (Russell), Frerichs, Gray, Hansen (Tom), Heineman, Hundstad, Krebs, Nygaard, Peters, Rave, Schlekeway, and Tidemann and Representatives Rausch, Boomgarden, Carson, Cronin, Fargen, Hawley, Hoffman, Moser, Novstrup (David), Perry, Tulson, Verchio, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to outdoor advertising  
2 signs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-29-66 be amended to read as follows:

5 31-29-66. The standards and criteria for lighting of outdoor advertising authorized to be  
6 erected and maintained in zoned or unzoned commercial or industrial areas adjacent to the  
7 interstate and primary highway systems are:

8 (1) No revolving or rotating beam of light simulating an official emergency device is  
9 permitted. Signs with flashing lights of any color are not permitted, except  
10 illuminating signs giving such public service information as time, date, or  
11 temperature;

12 (2) External lighting, such as floodlights, thin-line and gooseneck reflectors, is permitted,  
13 if it is shielded so as to prevent the direction of rays of light to any part of the



1 main-traveled way;

2 (3) No lighting is permitted which is of such brilliance or intensity so as to establish  
3 glare or reflection which would interfere with the effectiveness of any official traffic  
4 control device or official sign or interfere with the motorist's view of traffic  
5 conditions; and

6 (4) A changeable message sign is permitted as an off-premise sign, regardless of the  
7 technology used, if the message is changed not more than once every six seconds and  
8 if the message is not continuously scrolled. Such sign shall be equipped with  
9 automatic dimming technology that automatically adjusts the sign's brightness in  
10 direct correlation with ambient light conditions. No sign may exceed a brightness  
11 level of three tenths foot candles above ambient light as measured using a foot candle  
12 meter at a preset distance depending on the sign area, measured as follows:

13	<u>Billboard Dimensions (ft.)</u>	<u>Measurement Distance (ft.)</u>
14	<u>11x22</u>	<u>150</u>
15	<u>10.5x36</u>	<u>200</u>
16	<u>14x48</u>	<u>250</u>
17	<u>20x60</u>	<u>350</u>

18 Section 2. That § 31-29-69 be amended to read as follows:

19 31-29-69. Nothing in §§ 31-29-61 to 31-29-83, inclusive, authorizes any local authority to  
20 prohibit outdoor advertising or any advertising technology throughout its jurisdiction. However,  
21 any such regulation and control shall be reasonable and reasonably related to the needs of the  
22 business community to adequately and properly advertise its goods and services of benefit to  
23 the traveling public.